

ECF CASE  
JUDGE ROBINSON

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

**J & J SPORTS PRODUCTIONS, INC.,**  
as Broadcast Licensee of the **May 6, 2006**  
**DELAHOYA/MAYORGA** Program,  
Plaintiff,

-against-

## ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No. 07-CV-11392-SCR-GAY  
HON. STEPHEN C. ROBINSON

ANA LUCIA BAQUERO and CARLOS  
EDUARDO ASITIMBAY, Individually and as  
officers, directors, shareholders and/or principals of  
EL TORERO REST., INC. d/b/a EL TORERO  
RESTAURANT a/k/a EL TORERO SPORTS BAR,

and

EL TORERO REST., INC. d/b/a EL TORERO  
RESTAURANT a/k/a EL TORERO SPORTS BAR.

Defendants.

STATE OF NEW YORK :  
: SS.:  
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$300.00  
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$937.50  
See below

Total Litigation Expenses .....(\$1,587.50)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>		<u>(in hours)</u>	<u>Fee</u>
06/22/2006	Factual research and development	.50	\$100.00	Atty
06/29/2006	Claim Letter issued	.25	\$18.75	Para
08/10/2006	Final Notice	.25	\$18.75	Para
08/21/2006	Review Ltr from Defendant's Atty	.12	\$25.00	Atty
08/21/2006	Faxed and mailed Demand Ltr	.25	\$18.75	Para
08/23/2006	TC to Defendant's Atty	.13	\$25.00	Atty
08/31/2006	Ltr to Defendant's Atty	.25	\$18.75	Para
09/13/2006	TC to Defendant's Atty	.12	\$25.00	Atty
10/24/2006	TC to Defendant's Atty	.13	\$25.00	Atty
10/30/2006	TC to Defendant's Atty	.12	\$25.00	Atty
11/09/2006	TC from Defendant's Atty	.13	\$25.00	Atty
11/14/2006	Settlement	.25	\$50.00	Atty
11/17/2006	Faxed/mailed settlement docs	.25	\$18.75	Para
12/21/2006	TC to Defendant's Atty	.12	\$25.00	Atty
02/20/2007	TC to Defendant's Atty	.13	\$25.00	Atty

03/28/2007	Ltr to Defendant's Atty	.25	\$18.75	Para
10/02/2007	Ltr to Defendant's Atty	.25	\$18.75	Para
12/06/2007	Factual Research	.25	\$50.00	Atty
12/10/2007	Review Ltr from Defendant's Atty	.12	\$25.00	Atty
12/18/2007	Drafted Complaint	.5	\$100.00	Atty
01/24/2008	Arranged Service	.25	\$18.75	Para
01/24/2008	Courtesy Copies to Judge	.25	\$18.75	Para
02/20/2008	Review Service	.13	\$25.00	Atty
02/21/2008	Filed and mailed Proofs of service	.25	\$18.75	Para
03/11/2008	Drafted Motion for Default	1.0	\$200.00	Atty
		<b>Hours</b>	<b>Fee</b>	
		<b>3.75 Atty</b>	<b>\$750.00</b>	
		<b>2.50 Para</b>	<b>\$187.50</b>	
<b>Total</b>			<b>\$937.50</b>	

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control, State Liquor Authority. The results show that Ana Lucia Baquero and Carlos Eduardo Asttimbay are Principal of El Torero Rest Inc., trade name El Torero Restaurant. The Public Query results page is attached hereto as Exhibit "B".

The Defendants ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR were served with a copy of the Complaint and Summons on February 14, 2008; Defendant EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR were served with a

copy of the Complaint and Summons on January 29, 2008. A true copy of the Complaint, is attached hereto as Exhibit "C". The proofs of service upon the Defendants, are attached hereto as Exhibit "D".

We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

**WHEREFORE**, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

**Against, ANA LUCIA BAQUERO, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR,**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FIVE HUNDRED TWENTY NINE DOLLARS AND SIXTEEN CENTS (\$529.16)

**Against, CARLOS EDUARDO ASITIMBAY, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR,**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FIVE HUNDRED TWENTY NINE DOLLARS AND SIXTEEN CENTS (\$529.16)

**Against, EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FIVE HUNDRED TWENTY NINE DOLLARS AND SIXTEEN CENTS (\$529.16)

Dated: March 11, 2008  
Ellenville, NY 12428

/s/ Julie Cohen Lonstein  
Julie Cohen Lonstein, Esq.  
Bar Roll No. JL8512  
Lonstein Law Office, P.C.  
Attorneys for Plaintiff  
1 Terrace Hill; PO Box 351  
Ellenville, NY 12428  
Telephone: 845-647-8500  
Facsimile: 845-647-6277

Sworn to before me this 10<sup>th</sup>  
day of March 2008

/s/ April Draganchuk  
**April Draganchuk**  
**Notary Public State of New York**  
**Registration No. 4945872**  
**Residing in Ulster County**  
**My Commission Expires Jan. 27, 2011**

Exhibit A

# Invoice

1 Terrace Hill  
P.O. Box 615  
Ellenville, NY 12428

Date	Invoice #
3/13/2008	1270

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
INDIVIDUAL SERVICE J&J v. ANA LUCIA BAQUERO YOUR FILE #06-7-S02 CV #07-11392	100.00
INDIVIDUAL SERVICE J&J v. Eduardo Asitimbay YOUR FILE #06-7-S02 CV #07-11392	100.00
<b>Total</b>	
\$200.00	

1 Terrace Hill  
P.O. Box 615  
Ellenville, NY 12428

Date	Invoice #
2/12/2008	1228

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
CORPORATE SERVICE VIA SOS J&J v. EL TORERO REST INC YOUR FILE #06-7-S02 CV#07-111392	100.00
<b>Total</b>	
	\$100.00



Exhibit B



George E. Pataki  
Governor

**Division of Alcoholic Beverage Control**  
**State Liquor Authority**

Lawrence J. Gedda, Commissioner / Joshua B. Toas, CEO

Daniel B. Boyle  
Chairman

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Information](#)

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**Public License  
Query**

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[ABC Law](#)

[Message from the  
Chairman](#)

[Mission Statement](#)

[Privacy](#)

[Security](#)

## Public Query - Results

### License Information

**Serial Number:** 2123775

**License Type:** ON-PREMISES LIQUOR

**License Status:** License is Active

**Credit Group:** 3

**Filing Date:** 08/02/2004

**Effective Date:** 10/04/2005

**Expiration Date:** 09/30/2007

### Premises Information

**Principal's Name:** BAQUERO, ANA LUCIA  
ASITIMBAY, CARLOS EDUARDO

**Premises Name:** EL TORERO REST INC

**Trade Name:** EL TORERO RESTAURANT

**Zone:** 2

**Address:** 108 NORTH MAIN ST

MAPLE AVE & CHURCH ST

SPRING VALLEY, NY 10977

**County:** ROCKLAND

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You can select one of the following links to perform another search:

- [Search by Name](#)
- [Search by License Number](#)
- [Search by Location](#)
- [Search by Principal](#)

Exhibit "C"

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----  
**J & J SPORTS PRODUCTIONS, INC.,**  
as Broadcast Licensee of the May 6, 2006  
**DELAHOYA/MAYORGA** Program,

**COMPLAINT**

Plaintiff,

Civil Action No.

-against-

ANA LUCIA BAQUERO and CARLOS  
EDUARDO ASITIMBAY, Individually and as  
officers, directors, shareholders and/or principals of  
EL TORERO REST., INC. d/b/a EL TORERO  
RESTAURANT a/k/a EL TORERO SPORTS BAR,

and

EL TORERO REST., INC. d/b/a EL TORERO  
RESTAURANT a/k/a EL TORERO SPORTS BAR,

Defendants.  
-----

Plaintiff, **J & J SPORTS PRODUCTIONS, INC.**, (hereinafter "Plaintiff"), by their  
attorneys, LONSTEIN LAW OFFICE, P.C. complaining of the defendants herein respectfully sets  
forth and alleges, upon information and belief, as follows:

**JURISDICTION AND VENUE**

1. This action is brought pursuant to 47 U.S.C. §§ 553, 605, et seq.
2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C.  
Section 1331, which states that the district courts shall have original jurisdiction of all civil actions

arising under the Constitution, laws, or treaties of the United States.

3. Upon information and belief, venue is proper in this court because, inter alia, all defendants reside within the State of New York (28 U.S.C. § 1391(b) and 28 U.S.C. §112(b)).

4. This Court has personal jurisdiction over the parties in this action as a result of the defendants' wrongful acts hereinafter complained of which violated plaintiff's rights as distributor of the transmission signal of the fight as hereinafter set forth at length. The defendants' wrongful acts consisted of the interception or tortious conversion of said property of plaintiff within the control of the plaintiff in the State of New York.

#### **THE PARTIES**

5. The plaintiff is a California corporation with its principal place of business located at 2380 So. Bascom Avenue, Suite 200, Campbell, CA 95008.

6. Upon information and belief the defendant, ANA LUCIA BAQUERO, resides in the State of New York.

7. Upon information and belief the defendant, CARLOS EDUARDO ASITIMBAY, resides in the State of New York.

8. Upon information and belief the defendants, ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, are officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, of that they are doing business as EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR.

9. Upon information and belief the defendants, ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, were the individuals with supervisory capacity and control over the activities occurring within the establishment on May 6, 2006.

10. Upon information and belief the defendants, ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, received a financial benefit from the operations of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR on May 6, 2006.

11. Upon information and belief, the defendant, EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, is a business entity, the exact nature of which is unknown, having its principal place of business at 108 North Main Street, Spring Valley, New York 10977.

12. Upon information and belief, the defendant, EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, is a Domestic Corporation, incorporated and licensed to do business in the State of New York.

13. Upon information and belief, the defendant, EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, is a partnership licensed to do business in the State of New York.

14. Upon information and belief, the defendant, EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, is a sole proprietorship licensed to do business in the State of New York.

### COUNT I

15. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs

“1” through “14”, inclusive, as though set forth herein at length.

16. By contract, plaintiff was granted the right to distribute the DeLaHoya/Mayorga program (this includes all undercard bouts and the entire television broadcast) scheduled for **May 6, 2006** via closed circuit television and via encrypted satellite signal. Said event originated via satellite uplink and was subsequently re-transmitted to cable systems and satellite companies via satellite signal (hereinafter referred to as the “Program”).

17. Pursuant to the contract, plaintiff entered into subsequent agreements with various entities in the State of New York, allowing them to publicly exhibit the Program to their patrons.

18. Plaintiff expended substantial monies in consideration of the aforementioned agreement to transmit the Program to those entities in the State of New York, which in turn, entered into agreements with plaintiff to exhibit the Program to their patrons.

19. Upon information and belief, with full knowledge that the Program was not to be received and exhibited by entities unauthorized to do so, the defendants and/or their agents, servants, workmen or employees unlawfully intercepted, received and/or de-scrambled said satellite signal and did exhibit the Program at the above-captioned addresses at the time of its transmission willfully and for purposes of direct or indirect commercial advantage or private financial gain.

20. Upon information and belief, the defendants and/or their agents, servants, workmen and employees used an illegal satellite receiver, intercepted plaintiff’s signal and/or used a device to intercept plaintiff’s broadcast which originated via satellite uplink and then re-transmitted via satellite or microwave signal to various cable and satellite systems. There are multiple illegal methods of accessing programming. Splicing an additional coaxial cable line or redirecting a wireless signal, from an adjacent residence, into a business establishment, commercial misuse of cable or

satellite by registering same as a residence when it is in fact, a business or taking a lawfully obtained box or satellite receiver from a private residence and into a business. Each of these methods would allow Defendants to access programming unlawfully. \* In addition, emerging technologies, such as broadband or internet broadcast as well as “slingbox” technology, which allows a consumer to literally sling programing from their personal home cable or satellite systems and into their computers, can allow commercial misuse of residential broadcasting feeds through the internet from anywhere in the world. While Plaintiff is unable to determine the manner in which Defendants obtained the programing, it is logical to conclude that Defendants must have either used an illegal satellite receiver, misrepresented their business establishment as a residence or engaged in “mirroring” by taking a legitimate receiver from their home to their business establishment in order to intercept Plaintiff’s broadcast.

21. 47 U.S.C. §605 (a) prohibits the unauthorized reception and publication or use of communications such as the transmission for which plaintiff had the distribution rights thereto.

22. By reason of the aforementioned conduct, the aforementioned defendants willfully violated 47 U.S.C. §605 (a).

23. By reason of the aforementioned defendants’ violation of 47 U.S.C. §605 (a), plaintiff has a private right of action pursuant to 47 U.S.C. §605.

24. As a result of the aforementioned defendants’ willful violation of 47 U.S.C. §605 (a), plaintiff is entitled to damages in the discretion of this Court, under 47 U.S.C. §605 (e)(3)(C)(i)(II) and (ii) of up to \$110,000.00 as to each defendant.

25. Pursuant to 47 U.S.C. §605, plaintiff is also entitled to an award of full costs, interest and reasonable attorney’s fees.



**COUNT II**

26. Plaintiff hereby incorporates paragraphs "1" through "25", inclusive, as though fully set forth herein.

27. Upon information and belief, defendants and/or their agents, servants, workmen or employees, and each of them knowingly, modified a device or utilized equipment, knowing or having reason to know that the device or equipment is used primarily in the assistance of the unauthorized decryption of satellite cable programming, or direct-to-home satellite services, or is intended for any other prohibited activity.

28. 47 U.S.C. §605 (e)(4) prohibits the modification or utilization of a device or equipment knowing or having reason to know that it is used primarily in the assistance of the unauthorized decryption of satellite cable programming or direct-to-home satellite services, such as the transmission for which plaintiff had the distribution rights thereto, or is intended for any other activity prohibited under 47 U.S.C. §605 (a) .

29. By reason of the aforementioned conduct, each of the aforementioned defendant's violation of 47 U.S.C. §605, plaintiff has a private right of action pursuant to 47 U.S.C. §605.

30. As a result of the aforementioned defendants' violation of 47 U.S.C. §605 (e)(4), plaintiff is entitled to damages in the discretion of this Court, under 47 U.S.C. §605 (e)(3)(C)(i)(II) of up to \$100,000.00 as to each defendant.

31. Pursuant to 47 U.S.C. §605, plaintiff is also entitled to an award of full costs, interest and reasonable attorney's fees.

**COUNT III**

32. Plaintiff hereby incorporates paragraphs "1" through "31", inclusive, as though fully set forth herein at length.

33. Upon information and belief, with full knowledge that the Program was not to be received and exhibited by entities unauthorized to do so, the defendants and/or their agents, servants, workmen or employees did exhibit the Program at the above-captioned addresses at the time of its transmission willfully and for purposes of direct or indirect commercial advantage or private financial gain.

34. 47 U.S.C. §553 prohibits the unauthorized reception, interception and exhibition of any communications service offered over a cable system such as the transmission for which plaintiff had the distribution rights thereto.

35. Upon information and belief, the defendants individually, willfully and illegally intercepted said Program when it was distributed and shown by cable television systems.

36. By reason of the aforementioned conduct, all of the aforementioned defendants willfully violated 47 U.S.C. §553, thereby giving rise to a private right of action.

37. As a result of the aforementioned defendants' violation of 47 U.S.C. §553, plaintiff is entitled to damages in an amount in the discretion of this Court, of up to \$60,000.00, plus the recovery of full costs, interest and reasonable attorney's fees.

WHEREFORE, the plaintiff requests that judgment be entered in its favor and against each of the aforementioned defendants granting to plaintiff the following:

(a) Declare that defendant's unauthorized exhibition of the **May 6, 2006**

**DeLaHoya/Mayorga Program**, violated the Federal Communications Act and that

such violations were committed willfully and for purposes of defendants' direct or indirect commercial advantage or for private financial gain.

(b) On the first cause of action, statutory penalties in an amount in the discretion of this Court, of up to \$110,000.00 as to each defendant for their willful violation of 47 U.S.C. §605 (a);

(c) On the second cause of action, statutory penalties in an amount in the discretion of this Court, of up to \$100,000.00 as to each defendant for their violation of 47 U.S.C. §605 (e)(4);

(d) On the third cause of action, statutory penalties in an amount in the discretion of this Court, of up to \$60,000.00 as to each defendant for their violation of 47 U.S.C. §553;

(e) Attorney's fees, interest, costs of suit as to each defendant pursuant to 47 U. S. C. § 605 (e) (3) (B) (iii) and §553 (c) (2)(C), together with such other and further relief as this Court may deem just and proper.

Dated: December 17, 2007  
Ellenville, New York

**J & J SPORTS PRODUCTIONS, INC.**

By: 

JULIE COHEN LONSTEIN, ESQ.

Attorney for Plaintiff

Bar Roll No. JL8521

LONSTEIN LAW OFFICE, P.C.

Office and P.O. Address

1 Terrace Hill : P.O. Box 351

Ellenville, NY 12428

Telephone: (845) 647-8500

Facsimile: (845) 647-6277

Email: Info@signallaw.com

Our File No. 06-7-S02

Exhibit "D"

**ROCKLAND COUNTY SHERIFF'S DEPARTMENT**  
**CERTIFICATE OF SERVICE**

United States District Court  
Southern District of New York  
State of New York

J & J Sports Productions, Inc., as Broadcast Licensee of the May  
6, 2006 Delahoya/Mayorga Program

vs.

Ana Lucia Baquero and Carlos Eduardo Asitimbay.  
Individually and as officers, directors, shareholders and/or  
principals of El Torero Rest., Inc. d/b/a El Torero Restaurant  
a/k/a El Torero Sports Bar, and El Torero Rest. Inc d/b/a El  
Torero Restaurant a/k/a El Torero Sports Bar

Index Number: 07 CIV 11392

Sheriff File Number: 08000328

I, Deputy Sheriff Dean O'Hanlon, 610, of the Rockland County Sheriff's Department, New City, New York, certify and affirm that  
on the 2/14/2008 at approximately 6:45 PM, at 108 North Main Street Spring Valley NY 10977, served the within Summons &  
Complaint, upon Carlos Asitimbay the defendant named therein, in the following manner:

**ALTERNATE PERSON**

By delivering to and leaving with Jane Doe whose relationship is unknown a true copy thereof, a person of suitable age and discretion.  
Said address was the actual place of business of the defendant.

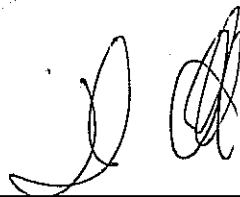
**MAILED**

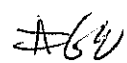
By mailing in a plain envelope marked Personal & Confidential on 2/14/2008 a copy of the annexed Summons &  
Complaint to the defendant at his actual place of business which was 108 North Main Street, Spring Valley, NY 10977.

**DESCRIPTION**

The person served was approximately: Skin Color: White, Hair Color: Black, Gender: Female, Height: 5' 2", Weight: 135,  
Age: 30 .

Dated:  
Tuesday, February 19, 2008

  
Dean O'Hanlon  
Deputy Sheriff

  
610  
Badge Number

ORIGINAL

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

J & J SPORTS PRODUCTIONS, INC.,  
as Broadcast Licensee of the May 6, 2006  
DELAHOYA/MAYORGA Program.  
Plaintiff.

V.

SUMMONS IN A CIVIL ACTION

ANA LUCIA BAQUERO and CARLOS EDUARDO  
ASITIMBAY, Individually and as officers, directors,  
shareholders and/or principals of EL TORERO REST., INC.  
d/b/a EL TORERO RESTAURANT a/k/a EL TORERO  
SPORTS BAR, and EL TORERO REST., INC. d/b/a EL  
TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR,  
Defendants.

CASE NUMBER:

TO: (Name and address of Defendant)

CARLOS EDUARDO ASITIMBAY, Individually and as officer, director, shareholder and/or principal of EL TORERO  
REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR  
108 North Main Street  
Spring Valley, New York 10977

Our File No. 06-7-S02

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

LONSTEIN LAW OFFICE, P.C.  
1 Terrace Hill, P.O. Box 351  
Ellenville, NY 12428  
Tel. (845)647-8500

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

DATE

12/19/2007

(By) DEPUTY CLERK



**ROCKLAND COUNTY SHERIFF'S DEPARTMENT**  
**CERTIFICATE OF SERVICE**

United States District Court  
Southern District of New York  
State of New York

J & J Sports Productions, Inc., as Broadcast Licensee of the  
May 6, 2006 Delahoya/Mayorga Program

vs.

Ana Lucia Baquero and Carlos Eduardo Asitimbay.  
Individually and as officers, directors, shareholders and/or  
principals of El Torero Rest., Inc. d/b/a El Torero Restaurant  
a/k/a El Torero Sports Bar, and El Torero Rest. Inc d/b/a El  
Torero Restaurant a/k/a El Torero Sports Bar

Index Number: 07 CIV 11392

Sheriff File Number: 08000328

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**ALTERNATE PERSON**

By delivering to and leaving with Jane Doe whose relationship is unknown a true copy thereof, a person of suitable age and discretion.  
Said address was the actual place of business of the defendant.

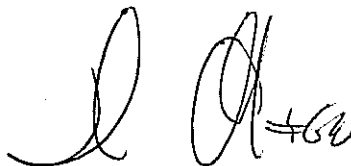
**MAILED**

By mailing in a plain envelope marked Personal & Confidential on 2/14/2008 a copy of the annexed Summons &  
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**DESCRIPTION**

The person served was approximately: Skin Color: White, Hair Color: Black, Gender: Female, Height: 5' 2", Weight: 135,  
Age: 30 .

Dated:  
Tuesday, February 19, 2008



Dean O'Hanlon  
Deputy Sheriff

610  
Badge Number

## UNITED STATES DISTRICT COURT

Southern

District of

New York

J & J SPORTS PRODUCTIONS, INC.,  
as Broadcast Licensee of the May 6, 2006  
DELAHOYA/MAYORGA Program.  
Plaintiff.

V.

## SUMMONS IN A CIVIL ACTION

ANA LUCIA BAQUERO and CARLOS EDUARDO  
ASITIMBAY, Individually and as officers, directors,  
shareholders and/or principals of EL TORERO REST., INC.  
d/b/a EL TORERO RESTAURANT a/k/a EL TORERO  
SPORTS BAR, and EL TORERO REST., INC. d/b/a EL  
TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR.  
Defendants.

CASE NUMBER:

07 CIV 11392  
JUDGE ROBINSON

TO: (Name and address of Defendant)

ANA LUCIA BAQUERO, Individually and as officer, director, shareholder and/or principal of EL TORERO REST., INC.  
d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR  
108 North Main Street  
Spring Valley, New York 10977

Our File No. 06-7-S02

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

LONSTEIN LAW OFFICE, P.C.  
1 Terrace Hill, P.O. Box 351  
Ellenville, NY 12428  
Tel. (845)647-8500

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

DATE

12/19/2007

(By) DEPUTY CLERK



**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07 civ 111392

Purchased/Filed: December 19, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NY

*J&J Sports Productions, Inc.*

Plaintiff

against

*Ana Lucia Baquero, et al*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on January 29, 2008, at 2:00pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action, and Complaint and Rule 7.1 Corporate Disclosure Statement

on

El Torero Rest., Inc., the

Defendant in this action, by delivering to and leaving with Carol Vogt, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

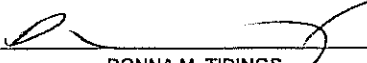
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'

Color of skin: White Hair color: Brown Sex: F Other: \_\_\_\_\_

Sworn to before me on this

4th day of February, 2008

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01TI4898570, Qualified in Albany County  
Commission Expires June 15, 2011

  
Jessica Miller

Invoice•Work Order # SP0800922

**SERVICO. INC. - PO Box 871 - ALBANY. NEW YORK 12201 - PH 518-463-4179**

UNITED STATES DISTRICT COURT

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CASE NUMBER:

TO: (Name and address of Defendant)

EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR

108 North Main Street  
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CLERK

DATE

(By) DEPUTY CLERK